

MEETINGS TO DATE 24  
NO. OF REGULARS 16  
NO. OF SPECIALS 8

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LANCASTER, NEW YORK  
AUGUST 17, 1992

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 17th day of August 1992 at 8:00 P.M. and there were

PRESENT: ROBERT H. GIZA, COUNCILMAN  
DONALD E. KWAK, COUNCILMAN  
PATRICK C. POKORSKI, COUNCILMAN  
THOMAS H. VAN NORTWICK, COUNCILMAN  
LUCIAN J. GRECO, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK  
ROBERT H. LABENSKI, TOWN ENGINEER  
JOSEPH F. REINA, TOWN ATTORNEY  
ROBERT L. LANEY, BUILDING INSPECTOR

TABLED RESOLUTIONS:

Greco/Pokorski Petition State Legislature - Home Rule Law Re: Town Assessor - NO ACTION. (Tabld 2/13/92)

PUBLIC HEARING SCHEDULED FOR 8:15 P.M.:

At 8:15 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Vehicle and Traffic Ordinance, Chapter 46, of the Code of the Town of Lancaster regarding speed limits within Town owned parks.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS

None

COMMENTS

None

OPPOSERS

None

QUESTIONS ONLY

None

32X

ON MOTION BY COUNCILMAN KWAK, AND SECONDED BY COUNCILMAN GIZA AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:20 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon the matter of the petition of the Millgrove Volunteer Fire Department, Inc. for consent of the Town Board of the Town of Lancaster of the proposed issuance by said fire company of an obligation to the Alden State Bank for the purchase of 1 Grumman Class A 1500 GPM pumper.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS

ADDRESS

Allan Lippke, President of Millgrove Vol. Fire Dept.

OPPOSERS

COMMENTS

None

None

QUESTIONS ONLY

ADDRESS

None

None

ON MOTION BY COUNCILMAN KWAK, AND SECONDED BY COUNCILMAN GIZA AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:35 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

32X1

PRESIDENTATION OF PREFILED RESOLUTIONS BY COUNCILMAN:

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GIZA , TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town  
Board held on August 3, 1992, be and hereby are approved.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN POKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 17, 1992

File: R.MIN (P1)

25 x

32 x

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN VAN NORTWICK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
POKORSKI, TO WIT:

WHEREAS, the developer has requested the Town Board of the Town of Lancaster to accept completed Public Improvements within Indian Pine Village, Phase II, Subdivision, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvements and has recommended the approval thereof,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Public Improvements within Indian Pine Village, Phase II, Subdivision, be and are hereby approved and accepted by the Town Board of the Town of Lancaster:

- P.I.P. No. 271 - Water Line
- P.I.P. No. 272 - Storm Sewers
- P.I.P. No. 273 - Pavement and Curbs

conditioned, however, upon the following:

1. Receipt and approval, within 45 days, by the Town Attorney of deeds, easements title report, title insurance and bill of sale to improvements for the property conveyed to the Town of Lancaster.
2. Receipt and approval, within 45 days, by the Town Clerk of maintenance bonds for each of the improvements accepted herein in the principal amount of 25% of the value of the improvements accepted.
3. Formal acceptance of the water improvements by the Erie County Water Authority and the Erie County Health Department, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 45 day period, the Building Inspector be and is hereby authorized and directed to issue a stop work order on all building construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED	YES
COUNCILMAN KWAK	VOTED	YES
COUNCILMAN POKORSKI	VOTED	YES
COUNCILMAN VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

August 17, 1992  
File: R.P.I.P. (P5)

32x1

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
VAN NORTWICK, TO WIT:

WHEREAS, the Police Chief of the Town of Lancaster has requested authorization to attend the New York State Association of Chiefs of Police Training Conference to be held in Syracuse, New York from August 23rd through August 27, 1992,

NOW, THEREFORE, BE IT

RESOLVED, that THOMAS E. FOWLER, Police Chief of the Town of Lancaster, be and is hereby authorized to attend the New York State Association of Chiefs of Police Training Conference to be held in Syracuse, New York from August 23rd through August 27, 1992, with expense reimbursement authorized for in an amount not to exceed \$550.00, including mileage, and

BE IT FURTHER

RESOLVED, that said reimbursement will be made only upon submission of proper documentation and substantiation of expenses, including receipts, to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN POKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 3, 1992

File: R.SEM.MTGS (P2)

32x1

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
VAN NORTWICK, TO WIT:

WHEREAS, the Police Chief of the Town of Lancaster, by letter dated July 30, 1992, has requested permission for himself and one police department supervisor to attend a New York State Accreditation Training Conference to be held at Binghamton, New York, from October 14th through October 15th, 1992,

NOW, THEREFORE, BE IT

RESOLVED, that THOMAS E. FOWLER, Police Chief, and one police department supervisor (to be determined later) of the Town of Lancaster be and are hereby authorized to attend a New York State Accreditation Training Conference to be held at Binghamton, New York, from October 14th through October 15th, 1992, and

BE IT FURTHER

RESOLVED, that expense reimbursement be and is hereby granted in an amount not to exceed \$350.00, plus transportation in a Town vehicle, and

BE IT FURTHER

RESOLVED, that said reimbursement will be made only upon submission of proper documentation and substantiation of expenses, including receipts, to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN POKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 17, 1992

File: R.SEM.MTGS (P1)

32X1

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN GIZA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
VAN NORTWICK, TO WIT;

WHEREAS, the Executive Director of the Town of Lancaster, by letter dated July 31, 1992, has requested the appointment of two members to the Youth Bureau of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed members of the Town of Lancaster Youth Board for the period August 17, 1992 to May 31, 1994.

Mary Catherine Jagiello  
25 Seitz Avenue  
Lancaster, New York 14086

Mark Skowron  
52 Lindan Drive  
Depew, New York 14043

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN POKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 17, 1992

File: R.BD.MEMBERS (P2)

32X1

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN VAN NORTWICK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
POKORSKI, TO WIT:

WHEREAS, the Lancaster Volunteer Ambulance Corps, by letter dated  
August 13, 1992, has requested the addition of members to the membership of  
said corps,

NOW, THEREFORE, BE IT

RESOLVED, that the following additions be made to the membership  
roster of the Lancaster Volunteer Ambulance Corps:

**ADDITIONS**

Jay C. Downey  
81 Zenner Street  
Buffalo, New York 14211

Brian E. Krause  
28 Rounds Avenue  
Buffalo, New York 14215

Michael Kugel  
94 Delsen Court  
Buffalo, New York 14216

Dawn MacMullen-Schollard  
6 Maple Avenue  
Corfu, New York 14036

Vickie Marie McCall  
119 Lou Ann Drive  
Depew, New York 14043

Colleen S. Magai  
8 Coverfield Court  
Lancaster, New York 14086

Donna M. Festa  
119 Lou Ann Drive  
Depew, New York 14086

Christian I. Sundberg  
376 Olmstead Avenue  
Depew, New York 14043

Wendy Yates  
58 Grandview Avenue  
Buffalo, New York

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN POKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 17, 1992

File: R.LVAC

32X1



THE FOLLOWING RESOLUTION WAS OFFERED  
COUNCILMAN KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GIZA, TO WIT:

WHEREAS, Charter Motor Inn of Buffalo Inc., d/b/a Ramada Inn has applied for a license to operate and maintain a Game Room on premises located at 6643 Transit Road, within the Town of Lancaster, pursuant to Chapter 17 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector, Fire Inspector and Chief of Police for review and recommendation, and

WHEREAS, the Building Inspector, Fire Inspector and Chief of Police have completed their review and made a formal, favorable recommendation to the Town Board on the issuance of this license,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to issue a license to Charter Motor Inn of Buffalo Inc., d/b/a Ramada Inn to operate and maintain a Game Room on premises located at 6643 Transit Road, Lancaster, New York, and

BE IT FURTHER

RSOLVED, that said license shall be issued for the one (1) year period of August 17, 1992 to August 17, 1993 in accordance with the application of the petitioner, as filed in the Town Clerk's Office, for eight (8) amusement devices.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN FOKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 17, 1992

File: R.LICENSES

32X1

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN VAN NORTWICK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
POKORSKI, TO WIT:

WHEREAS, the Lancaster Volunteer Ambulance Corps, by letter dated  
August 13, 1992, has requested the deletion of members from the active  
membership of said corps,

NOW, THEREFORE, BE IT

RESOLVED, that the following deletions be made to the membership  
roster of the Lancaster Volunteer Ambulance Corps:

DELETIONS

James Glass  
Pamela Herniak  
John Forbes  
Timothy Lewis  
Mary Sue Milligan  
William Piwtorek, Jr.  
Dale Horn (inactive, life status)  
Robert Kerl, Jr. (inactive, life status)

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN POKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 17, 1992

File: R.LVAC

52x1

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN VAN NORTWICK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GIZA, TO WIT:

WHEREAS, the Bownansville Volunteer Fire Association, Inc., by  
letter dated August 10, 1992, has requested the addition of a probationary  
non-resident active member to the membership roster of said fire association,,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby  
confirms the addition to the membership of the Bownansville Volunteer Fire  
Association, Inc. the following individual:

**ADDITION**

Michael Mergi  
48 Anna Marie Terrace  
Cheektowaga, NY 14225

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN POKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 17, 1992

File: R.FIRE (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GRECO, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
VAN NORTWICK, TO WIT:

WHEREAS, the Building Inspector, by letter dated August 13, 1992, recommended the appointment of the following person to the position of Zoning Inspector, (temporary part-time) with the Building & Zoning Department of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that MICHAEL MEMMINGER, 8 Shadyside Lane, Lancaster, New York 14086 be and is hereby appointed to the position of Zoning Inspector (temporary part-time) for work within the Town of Lancaster Building & Zoning Department in their Inspection program, at an hourly rate of \$5.50 per hour, plus mileage and,

BE IT FURTHER,

RESOLVED that the appointment, made herein, is temporary and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN POKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 17, 1992

File: R.PERS.APPT (P9)

32x1

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GIZA, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has determined it to be in the public interest to provide for lighting of the newly constructed tennis courts on Lancaster Central School District property at 1 Forton Drive, Lancaster, and

WHEREAS, DONALD GALLO, CONSULTING ENGINEER, P.C. has submitted a contract proposal in the sum not to exceed \$15,800.00 for engineering for this project, by letter dated July 30, 1992, and

WHEREAS, after review of the proposed engineering agreement, the Town Board deems it in the public interest to contract with DONALD GALLO for engineering services relating to the installation of lighting at the newly constructed tennis courts located at the Lancaster High School;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into a contract with DONALD GALLO, CONSULTING ENGINEER, P.C. for engineering services and preparation of plans and specifications for the aforementioned project, for an amount not to exceed \$15,800.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN POKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 17, 1992

File: R.Ret.Engr.Light.Tennis.Cts.

32x1

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN VAN NORTWICK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
POKORSKI, TO WIT:

WHEREAS, Section 239-m, General Municipal Law, requires the Town of Lancaster to notify the County of Erie, Department of Environment and planning, before taking final action of any adoption or amendment of zoning regulations; approval of site plans; grant of variances; and/or the issuance of special permits being processed by the Town, and

WHEREAS, said section also permits the County of Erie and the Town of Lancaster to enter into an agreement eliminating the need for such notification if such matters are of a local rather than an inter-community or county-wide concern, and

WHEREAS, both the County of Erie and Town of Lancaster are desirous of entering into such an agreement, and

WHEREAS, the County of Erie has submitted a proposed Agreement which encompasses the objectives sought by both the Town and County of Erie as herein stated;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute the proposed Agreement with the County of Erie, a copy of which is on file in the Town Clerk's Office and incorporated herein by reference.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED	YES
COUNCILMAN KWAK	VOTED	YES
COUNCILMAN POKORSKI	VOTED	YES
COUNCILMAN VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

August 17, 1992

32X1

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN POKORSKI, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GRECO, TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster has requested the purchase of One New and Unused Vacuum Sweeper with Extension Broom, for the use of the Highway Department, and

WHEREAS, the Highway Committee of the Town Board recommends that such purchase be authorized;

NOW, THEREFORE, BE IT

RESOLVED, that bids be received by the Town Clerk on September 2, 1992, at 10:00 o'clock A.M. Local Time, for the purpose of purchasing One (1) New and Unused Vacuum Sweeper with Extension Broom, for the use of the Highway Department, in accordance with specifications on file in the Town Clerk's Office, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee and post notices thereof as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN POKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 17, 1992

File:R.Hiwy.Purchases.92

32X1



LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that sealed Bids will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, in the Council Chamber of the Town Hall, 21 Central Avenue, Lancaster, Lancater, New York, up to 10:00 o'clock A.M., Local Time, on the 2nd day of September, 1992, for the purpose of purchasing One (1) New and Unused Vacuum Sweeper with Extension Broom, for the use of the Highway Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond n an amount representing five per centum (5%) of the Total Bid, payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE  
TOWN OF LANCASTER

By: ROBERT P. THILL  
Town Clerk

August 17, 1992

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THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN VAN NORTWICK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
KWAK, TO WIT:

WHEREAS, a Public Hearing was held on the 17th day of August, 1992  
for the purpose of amending Chapter 46-Vehicle and Traffic Ordinance of the  
Code of the Town of Lancaster, and persons for and against such amendment have  
had an opportunity to be heard, and

WHEREAS, a Notice of said Public Hearing was duly published and  
posted;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of  
the Town of Lancaster, be amended in the form attached hereto and made a part  
hereof;
2. That said amendment be added in the minutes of the meeting of  
the Town Board of the Town of Lancaster held on the 17th day of August, 1992;
3. That a certified copy thereof be published in the Lancaster Bee  
on August 20, 1992;
4. That a certified copy of the amendment be posted on the Town  
Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the  
Town Clerk;
6. That the Highway Superintendent take whatever action is  
necessary to install signs in accordance with the law.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED	YES
COUNCILMAN KWAK	VOTED	YES
COUNCILMAN PORORSKI	VOTED	YES
COUNCILMAN VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

August 17, 1992

32X1

LEGAL NOTICE  
NOTICE OF ADOPTION OF AMENDMENT  
VEHICLE & TRAFFIC ORDINANCE  
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK  
DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER

The Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

CHAPTER 46

46-9. Maximum speed limits, is hereby amended by adding thereto the following:

.....

G. A speed limit of fifteen (15) miles per hour shall be posted at all entrance roads and various locations, when deemed appropriate, within all public parks owned by the Town of Lancaster.

August 17, 1992

STATE OF NEW YORK:  
COUNTY OF ERIE : ss:  
TOWN OF LANCASTER:

THIS IS TO CERTIFY, that I, ROBERT P. THILL, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of An Ordinance Amendment with the original thereof filed in my office at Lancaster, New York, on the 17th day of August, 1992, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town, this 17th day of August, 1992.

/s/ ROBERT P. THILL  
Town Clerk

32x1

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN POKORSKI , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GIZA , TO WIT:

WHEREAS, Section 10 of the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, proposed Local Law No. 3 of the Year 1992, entitled "REFUSE RECYCLING", and further designated as Article III of Chapter 25 of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster on July 20, 1992, by Councilman Pokorski, and

WHEREAS, a Public Hearing was duly called and held pursuant to Law on August 3, 1992;

NOW, THEREFORE, BE IT

ENACTED, by the Town Board of the Town of Lancaster, New York, Local Law No. 3 of the Year 1992, entitled: "Refuse Recycling", further designated as Article III of Chapter 25 of the Code of the Town of Lancaster, as follows:

32X1

GARBAGE, RUBBISH & REFUSE

ARTICLE III

CHAPTER 25

REFUSE RECYCLING

LOCAL LAW NO. 3  
1992

A LOCAL LAW TO PROVIDE FOR THE RECYCLING OF SOLID WASTE IN THE TOWN OF LANCASTER, IN ACCORDANCE WITH THE SOLID WASTE MANAGEMENT ACT OF 1988, STATE OF NEW YORK.

- 25.9 Title
- 25.10 Purpose
- 25.11 Definitions
- 25.12 Duty of Owners, and/or Occupants
- 25.13 Duty of Authorized Collector & Licensed Private Collectors
- 25.14 Licensing
- 25.15 Unlawful Activities & Penalties
- 25.16 Rules & Regulations
- 25.17 Severability
- 25.18 Effective Date

Be it enacted by the Town Board of the Town of Lancaster, as follows:

- 25.9 Title.  
  
This Local Law shall be known as Local Law No. 3 of the Year 1992, Refuse Recycling, of the Town of Lancaster.
- 25.10 Purpose.  
  
This Local Law is enacted in accordance with the New York State Solid Waste Management Act of 1988, for the purpose of reducing, reusing and recycling of solid wastes which will aid in the protection and preservation of the environment, and assist in the conservation of recyclable materials. The Town Board of the Town of Lancaster finds that the separation and collection of recyclable materials generated from residential, commercial, and institutional properties will reduce the total amount of solid wastes presently generated, will reduce the need for landfills, and will conserve the capacity of existing landfills.
- 25.11 Definitions.  
  
AUTHORIZED COLLECTOR - shall mean a person, partnership, corporation or other legal entity, authorized by contract with the Town of Lancaster to collect municipal solid waste.  
  
BRUSH AND TREE PARTS - shall mean cuttings from shrubs, hedges and trees which are less than four (4) inches in diameter, tied and bundled not more than four (4) feet in length and one (1) foot in diameter. Single tree parts must not be over 4 feet in length, and not exceed six (6) inches in diameter.

**BULKIES** - shall mean large items such as sofas, chairs, tables, mattresses, box springs and furniture.

**CODE ENFORCEMENT OFFICER** - shall be the Building Inspector an/or the Assistant Building Inspector of the Town.

**COMMERCIAL PROPERTY** - shall mean all properties used for industrial or commercial purposes including but not limited to retail and wholesale establishments, trailer courts, offices, garages, gas stations, manufacturing, and repair establishments, banks, motels, restaurants and other similar and related facilities.

**FACILITY** - shall mean any solid waste management-resource recovery facility employed beyond the initial solid waste collection process which is to be used, occupied or employed for or is incidental to the receiving, transporting, storage, or processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom, including recycling centers, transfer stations, processing systems, resource recovery facilities, sanitary landfills, plants and facilities for composting or land spreading of solid wastes, secure land burial facilities, reprocessing and recycling facilities, surface impoundments and waste oil storage, incinerators and other solid waste disposal, reduction or conversion facilities.

**HAZARDOUS WASTE** - shall mean solid waste that is especially harmful or potentially harmful to public health. This shall include, but not be limited to, explosives, toxic materials, and medical waste. For purposes of this ordinance, hazardous waste does not include small quantities of such waste available on a retail basis to a homeowner (e.g. aerosol cans, pesticides, fertilizers, etc.).

**INSTITUTIONAL PROPERTY** - shall mean an organization or establishment which owns or occupies property and is devoted to the promotion of a particular object or cause including schools, nursing homes and retirement homes, health facilities, governmental facilities, libraries, fire halls, etc.

**LICENSED PRIVATE COLLECTOR** - shall mean a person, partnership, corporation or other legal entity, licensed by the Town of Lancaster, which collects municipal solid waste pursuant to contract with owners and/or occupants.

**MUNICIPAL SOLID WASTE (MSW)** - shall mean all putrescible and non-putrescible materials including garbage, refuse, and other discarded solid materials, including, but not limited to, solid waste materials resulting from residential, commercial and industrial, and from public activities. (Liquids, semi-solids, and contained gaseous materials are hereby defined as solid waste.) It shall not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluent, dissolved materials in irrigation return flows, other common water pollutants. In addition, it shall not include hazardous waste.

**OCCUPANT** - shall mean the person having a right and possession of the property being referred to.

**OWNER** - shall mean the titled owner of the property being referred to.

**RECYCLABLE CONTAINERS** - shall mean those containers issued by the Town of Lancaster in which recyclable materials must be placed for collection.

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**RECYCLABLE MATERIALS** - shall mean those materials specified by the Town for separate collection in accordance with recycling regulations. Such materials may include, but are not limited to:

**Aluminum** - aluminum products and containers fabricated primarily of aluminum and commonly used for soda, beer, beverages or other food or drink.

**Metal Cans** - containers fabricated primarily of steel or tin or bi-metal cans of steel, tin and/or aluminum, other than aluminum cans.

**Glass Food and Beverage Containers** - new and used glass food and beverage containers which have been rinsed and are free of food contamination, including clear (flint), green and brown (amber) colored glass bottles and jars. Glass shall not include ceramics, plate glass, auto glass, pyrex, leaded glass, mirrored glass or flat glass.

**Plastic Food and Beverage Containers** - includes high-density polyethylene (HDPE) and polyethylene terephthalate (PET) designated respectively as #2 and #1 on the recycling code located on the containers.

**Newsprint** - common, inexpensive machine-finished paper made chiefly from wood pulp and used for newspapers.

**Corrugated** - wood pulp-based material which is usually smooth on both sides with corrugated center. Commonly used for boxes; excludes material with a wax coating.

**High-grade Paper** - white and colored office bond, duplicating paper, computer paper and other high-quality paper.

**Magazines** - magazines, glossy catalogs and other glossy paper.

**Large Appliances** - stoves, refrigerators, dishwashers, dryers, washing machines, water heaters, and other large appliances and scrap metal, all major appliances such as refrigerators, stoves, dishwashers, washers, dryers and the like, but excluding air conditioners, microwaves, and televisions.

The above materials will be reviewed quarterly and will be modified as the need arises by the Town Board by appropriate resolution.

**RECYCLING** - shall mean the source separation, collection, processing, recovery, and sale or reuse of recyclable material.

**REFUSE DISTRICT** - shall mean the area of the Village of Lancaster and the Town of Lancaster, and excluding the Village of Depew, which was established by resolution dated November 7, 1988.

**RESIDENTIAL PROPERTY** - means properties within the Refuse District used as dwellings, including, but not limited to single and double family dwellings, apartments and other multi-family dwellings.

**SOLID WASTE MANAGEMENT** - shall mean the purposeful and systematic control of the storage, collection, transportation, processing, and disposal of solid waste.

**SOURCE SEPARATION** - shall mean to separate the recyclable materials from the MSW stream at the point of waste generation.

**TOWN** - shall mean the Town of Lancaster.

**TOWN BOARD** - shall mean the Town Board of the Town of Lancaster.

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**YARD WASTE** - shall mean organic yard and garden waste, leaves, grass clippings and brush.

**25.12 Duty of Owners and/or Occupants of Residential, Commercial and Industrial Property Located Within the Refuse District Regarding Solid Waste Management.**

- A. Every owner and/or occupant of residential, commercial and/or institutional property within the Refuse District shall keep all MSW in suitable container inside a building located on said property, or in a suitable, completely enclosed structure outside a building, which has been constructed for that purpose, and which complies with the building codes of the Town.
- B. Every owner and/or occupant of residential, commercial and/or institutional property within the Refuse District shall keep all buildings located on such property free and clear of all MSW and shall keep all sidewalks and yard areas free and clear of all MSW, which is not otherwise stored in suitable containers.
- C. Every owner and/or occupant of any residential, commercial or institutional property located within the Refuse District, shall, prior to initial collection, source separate any and all recyclable materials from all other MSW.
- D. Every owner and/or occupant of any residential property located within the Refuse District shall use the recyclable container or containers issued to it by the Town to contain any recyclable materials prior to collection, and shall prepare the recyclable materials to the specifications of the authorized collector.
- E. Every owner and/or occupant of any residential, commercial and/or institutional property located within the Refuse District shall put out for collection only that MSW and recyclable material generated from the use or occupancy of his property.
- F. When the authorized collector or any licensed private collector refuses to collect MSW as provided for in Section 25.13 (E), hereinafter set forth, such owner and/or occupant shall immediately remove all such materials from any curb, sidewalk or street side.
- G. Each owner of a commercial and/or institutional property located within the refuse district shall contract with a licensed private collector for the collection and removal of all MSW and recyclable materials generated from the use or occupancy of his property, provided that, when approved by the Town, such owners or occupants of commercial and industrial property may collect, convey and dispose of privately generated MSW by their own containers and/or trucks, providing they comply with the applicable provisions of this Local Law and New York State Department of Conservation Regulations

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## 25.13 Duty of Authorized Collector and Licensed Private Collectors.

- A. The authorized collector, pursuant to its contract with the Town, and licensed private collectors pursuant to contracts with owners and/or occupants of commercial and/or institutional property within the Refuse District shall collect, pick up, remove or cause to be collected, picked up and removed, any MSW, recyclable materials, brush and yard waste (placed in suitable containers) for collection.
- B. It shall be unlawful for any other person to collect and dispose of any MSW and recyclable materials within the Refuse District; provided, however, nothing herein shall prevent any owner and/or occupant from making arrangements for the private collection, sale or donation of recyclable materials prior to placement for collection; and provided further, however, that nothing herein shall prevent any owner and/or occupant from using yard waste for compost, mulch or other agricultural, horticultural, gardening or landscaping purposes.
- C. The authorized collector and each licensed private collector shall keep all recyclable materials separate and apart from MSW, and shall not commingle the recyclable materials with other MSW during collection, transportation and/or storage following collection; and shall move all recyclable materials into existing recycling markets.
- D. Bulkies shall be collected by the Authorized Collector and each licensed private collector on days to be determined by the Town.
- E. The authorized collector and each licensed private collector shall refuse to collect MSW from any owner and/or occupant who has clearly failed to source separate recyclable materials and/or has not properly prepared the recyclable materials to the specifications of the authorized collector or licensed private collector, as the case may be.

The authorized collector and each licensed private collector shall provide a full explanation to the owner and/or occupant for the refusal of collection.

- F. The authorized collector and each licensed private collector shall maintain separate monthly records of MSW and recyclable materials collected, transported and disposed of which shall include the following information:
  - 1. the quantity by ton, of MSW and of each type of recyclable materials collected;
  - 2. the quantity by ton, of recycled materials delivered to a recycling facility(ies) and the location of the recycling facility(ies).
  - 3. the quantity by ton, of MSW delivered to each facility(ies).
  - 4. the quantity by ton, of each recyclable material marketed and the price at which each recyclable material was marketed.
  - 5. the name and location of the markets to which the recyclable materials were delivered.
- G. Quarterly Reports containing the information required as stated above shall be compiled and delivered to Town Board on a quarterly basis.



## 25.14 Licensing.

- A. Each private collector must obtain a solid waste collection license from the Town. All licenses shall be issued for the calendar year.

A full year's fee shall be imposed on any solid waste collection license issued to a private collector during the months of January through June of each calendar year. One-half year's fee shall be imposed on any such license issued during the months of July through December of each year.

- B. A fee schedule shall be set by the Town Board and shall be based upon the number of trucks of the private collector regularly operating within the Refuse District.

- C. Applications for license and permit shall be upon forms provided by the Town and submitted to the Clerk of the Town. The Clerk of the Town shall issue the license upon proper application being made therefor, and after authorization to issue the license is given by the Town Board.

- D. The Clerk of the Town is also hereby empowered to issue a temporary permit(s) to any licensed private collector upon proper application being made therefor, to use such additional trucks as are necessary for a period not to exceed thirty (30) consecutive days for a fee, per truck, to be determined by the Town Board.

- E. Each private collector licensed by the Town shall comply with all applicable provisions of this Local Law, and all resolutions enacted by the Town Board pertaining hereto.

- F. Each private collector to be licensed must have a public liability insurance policy, naming the Town as an additional insured for personal injuries in the amount of \$1,000,000.00 per person and shall file with the Town Clerk a Certificate of Insurance for that amount prior to the issuance of a license to the private collector.

- G. Every license issued by the Town Clerk, pursuant to this Chapter, shall be subject to the following conditions:

1. each vehicle used by the licensed private collector in the collection and transportation of MSW and recyclable materials in the Refuse District shall be neat and clean and in good repair.
2. all trucks must have a minimum liability insurance policy for personal injuries in the amount of one hundred thousand dollars (\$100,000.00) per person and three hundred thousand dollars (\$300,000.00) per accident and fifty thousand dollars (\$50,000.00) coverage for property damage. Insurance certificates are to be supplied to the Town by the private collector.
3. no owner, collector or employee of a private contractor shall be under the influence of alcohol or other drugs or use insolent or improper language during pickup or when receiving complaints over the telephone.

- H. The Town Board may refuse to license and/or may revoke a license issued to any person who, in its judgment, is an undesirable person; incapable of properly conducting the operations of a licensed private collector; or fails to comply with the applicable provisions of this Local Law. The Town Board shall have the power to revoke any such license after hearing on ten (10) days' written notice to the license holder, specifying the nature of the violation.

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**25.15 Unlawful Activities & Penalties.**

It shall be unlawful for:

- (1) Any person, other than the authorized collector and each licensed private collector, to collect any MSW and recyclable materials generated within the Refuse District which has been placed for collection pursuant to this local law.

The unlawful conduct set forth in Item 25.15 (1) shall constitute a violation, and shall be punishable, upon conviction thereof, of a fine of Five Hundred Dollars (\$500.00) for the first offense; a fine of One Thousand Dollars (\$1,000.00) for the second offense; and a fine of Two Thousand Five Hundred Dollars (\$2,500.00) for the third and each subsequent offense.

- (2) Any owner and/or occupant to fail to comply with any provision contained in Section 5.12, Subsections A through H, inclusive.

- (3) The unlawful conduct set forth in Item 25.15(2) shall be punishable as follows:

- a. For a first offense of any such provisions, the owner and/or occupant shall be given a notice by the authorized collector or licensed private collector, as the case may be, advising such person in detail of the failure to comply with the specific provision(s), with a copy to the Code Enforcement Officer.
- b. For a second offense, the owner and/or occupant shall be given a notice by the Code Enforcement Officer advising such person in detail of the failure to comply with the specific provision(s).
- c. The third and each subsequent offense of any provision, shall constitute a violation punishable by a fine of at least One Hundred Dollars (\$100.00), but not to exceed Five Hundred Dollars (\$500.00).
- d. No court proceedings shall be commenced against any person who violates the provision of subdivision (3) hereinabove set forth for any violation occurring before January 1, 1993, in order to permit persons to come into compliance with this local law.

**25.16 Rules & Regulations.**

The Town Board is hereby empowered to enact by resolution, such Rules and Regulations which in its judgment, will carry out the intent and purpose of this local law.

**25.17 Severability.**

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

**25.18 When Effective.**

This Local Law shall take effect September 1, 1992.

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LEGAL NOTICE  
NOTICE OF ADOPTION  
TOWN OF LANCASTER

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on August 17, 1992, Local Law No. 3 of the Year 1992, entitled: "REFUSE RECYCLING", and designated as ARTICLE III of Chapter 25 of the Code of the Town of Lancaster, briefly described as follows:

"A Local Law to cause the reduction, reuse and recycling of solid waste in Village of Lancaster and the Town of Lancaster, (excluding Village of Depew) in accordance with New York State's Solid Waste Management Act of 1988."

August 17, 1992

STATE OF NEW YORK:  
COUNTY OF ERIE : ss:  
TOWN OF LANCASTER:

THIS IS TO CERTIFY that I ROBERT P. THILL, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of A LEGAL NOTICE OF ADOPTION OF LOCAL LAW NO. 3, 1992, with the original thereof filed in my office at Lancaster, New York, on the 17th day of August, 1992, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town this 17th day of August, 1992.

/s/ Robert P. Thill  
Town Clerk

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and

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Lancaster shall:

1. Immediately post a copy of Local Law No. 3 of the Year 1992 on the Town Bulletin Board;

2. Within ten (10) days, publish a certified copy of the Local Law or abstract thereof describing the same in general terms in the Lancaster Bee, hereby declared the official newspaper for this publication;

3. Maintain a file in the Town Clerk's Office on Local Law No. 3 of the Year 1992, with all proofs of publication and posting required for adoption, and

4. File certified copies of Local Law No. 3 of the Year 1992, within twenty (20) days of adoption with:

- a) Town Clerk's Office
- b) Three (3) copies with the Office of the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN POKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 17, 1992

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THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN VAN NORTWICK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GIZA , TO WIT:

WHEREAS, a Public Hearing was held on the 3rd day of August, 1992, on the petition of DONATO DEVELOPERS, INC./JOSELA ENTERPRISES, INC., the owners of a parcel of property on the north side of Walden Avenue, east of Seneca Place in the Town of Lancaster, for the purpose of rezoning the property from an RCO/R1 - Residential Commercial Office District and Residential District One to an R2-Residential District Two, and

WHEREAS, a Notice of said Public Hearing has been duly published and posted, and

WHEREAS, the Planning Board of the Town of Lancaster has recommended the rezone of the hereinafter described parcel of real property, and

WHEREAS, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from an RCO/R1 - Residential Commercial Office District and Residential District One to an R2-Residential District Two:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie, and State of New York, and being part of Lots 9 and 11, Section 8, Township 11, Range 6 of the Holland Land Survey (so-called) bounded and described as follows:

BEGINNING at the point of intersection of the easterly line of Lot 11 with the northerly highway boundary of Walden Avenue (Walden Avenue being 99.0 feet wide).

THENCE S-78°-08'-04"-W along the northerly highway boundary of Walden Avenue a distance of 176.32 feet to the southwesterly corner of the lands conveyed to Donato Developers, Inc. recorded in Liber 10021 of Deeds at page 379.

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THENCE the following courses and distances along the bounds of the said Donato Developers, Inc.

- 1.) N-00 -15'-58"-E a distance of 152.0 feet.
- 2.) N-89 -44'-02"-W a distance of 149.65 feet
- 3.) N-00 -15'-58"-E, parallel with the easterly line of Lot 11, a distance of 2,439.57 feet to the northerly line of Lot 11.

THENCE S-88 -04'-31"-E along the northerly line of Lot 11 a distance of 322.17 feet to the northeasterly corner thereof.

THENCE S-87 -34'-00"-E along the northerly line of Lot 9 a distance of 330.66 feet.

THENCE S-00 -15'-58"-W, parallel with the westerly line of Lot 9, a distance of 2,461.65 feet to the northerly highway boundary of Walden Avenue.

THENCE S-78 -08'-04"-W along the northerly highway boundary of Walden Avenue a distance of 337.97 feet to the point of beginning containing 37.519 acres be the same more or less.

2. That the Zoning Ordinance and Zoning Map of the Town of Lancaster are hereby amended and changed, subject to the following conditions imposed upon the rezone of the property:

- a) Development shall be limited to single-family homes;
- b) All construction shall conform to R1 Zoning - front lot, rear lot and side lot requirements;
- c) Donato Developers and Josela Enterprises Inc. must acknowledge in writing their agreement with the conditions under which the application for rezone was approved within thirty (30) days of adoption of this resolution.

3. That the Notice of adoption of the resolution shall not be published nor shall the Zoning Map be amended until the applicant has filed with the Town Clerk consent to those conditions;

4. That Affidavits of Publication be filed with the Town Clerk, and

5. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN POKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 17, 1992

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LEGAL NOTICE  
NOTICE OF ADOPTION  
ZONING ORDINANCE, TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of said Town is hereby changed so that the real property hereinafter described is changed from an RCO/R1 - Residential Commercial Office District and Residential District One to an R2-Residential District Two:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie, and State of New York, and being part of Lots 9 and 11, Section 8, Township 11, Range 6 of the Holland Land Survey (so-called) bounded and described as follows:

BEGINNING at the point of intersection of the easterly line of Lot 11 with the northerly highway boundary of Walden Avenue (Walden Avenue being 99.0 feet wide).

THENCE S-78 -08'-04"-W along the northerly highway boundary of Walden Avenue a distance of 176.32 feet to the southwesterly corner of the lands conveyed to Donato Developers, Inc. recorded in Liber 10021 of Deeds at page 379.

THENCE the following courses and distances along the bounds of the said Donato Developers, Inc.

- 1.) N-00 -15'-58"-E a distance of 152.0 feet.
- 2.) N-89 -44'-02"-W a distance of 149.65 feet
- 3.) N-00 -15'-58"-E, parallel with the easterly line of Lot 11, a distance of 2,439.57 feet to the northerly line of Lot 11.

THENCE S-88 -04'-31"-E along the northerly line of Lot 11 a distance of 322.17 feet to the northeasterly corner thereof.

THENCE S-87 -34'-00"-E along the northerly line of Lot 9 a distance of 330.66 feet.

THENCE S-00 -15'-58"-W, parallel with the westerly line of Lot 9, a distance of 2,461.65 feet to the northerly highway boundary of Walden Avenue.

THENCE S-78 -08'-04"-W along the northerly highway boundary of Walden Avenue a distance of 337.97 feet to the point of beginning containing 37.519 acres be the same more or less; and

and shall be subject to the following conditions:

- a) Development shall be limited to single-family homes;
- b) All construction shall conform to R1-Zoning-front lot, rear lot and side lot requirements.
- c) Donato Developers and Josela Enterprises Inc. must submit to the Town Clerk written consent to the conditions under which this application for rezone was approved within thirty (30) days of the date of adoption of this resolution.

August 17, 1992

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STATE OF NEW YORK:  
COUNTY OF ERIE : ss:  
TOWN OF LANCASTER:

THIS IS TO CERTIFY that I, ROBERT P. THILL, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of NOTICE OF AMENDMENT TO ZONING MAP, with the original thereof filed in my office at Lancaster, New York, on the 17th day of August, 1992 and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town, this 17th day of August, 1992.

/s/ ROBERT P. THILL  
Town Clerk

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REVISED RESOLUTION NO. 17 - MEETING OF 8/17/92

Pokorski/\_\_\_\_\_ Adopt Official Town Motor Vehicle Use Policy

At the request of Councilman Pokorski, this resolution was withdrawn  
for further study.

File: R.WITHDRAWN

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THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN VAN NORTWICK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
KWAK , TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of Local Laws, and

WHEREAS, after review and consideration the Town Board of the Town of Lancaster deems it in the public interest to enact Local Law No. 4 of the Year 1992, entitled "Regulation of Satellite Antennas" and further designated as Chapter 34 of the Code of the Town of Lancaster, which shall read as follows:

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REGULATION OF SATELLITE ANTENNAS

CHAPTER 34

REGULATION OF SATELLITE ANTENNAS

Proposed

LOCAL LAW NO. 4  
1992

A LOCAL LAW PROVIDING FOR REGULATION OF SATELLITE ANTENNAS

- 34-1. Title
- 34-2. Purpose
- 34-3. Definitions
- 34-4. Applicability of Zoning Provisions
- 34-5. Building Permit Required; Placement
- 34-6. General Requirements
- 34-7. District and Dealer Regulations
- 34-8. Compliance
- 34-9. Inspection
- 34-10. Variance
- 34-11. Severability
- 34-12. When Effective

Be it enacted by the Town Board of the Town of Lancaster, County of Erie, State of New York, as follows:

34-1. Title.

This Local Law shall be known as "Local Law No. 4 of the Year 1992, Regulation of Satellite Antennas" in the Town of Lancaster."

34-2. Purpose.

The Town of Lancaster has become concerned about the appearance and impact of satellite antennas, also commonly referred to as "dish antennas". Unless regulated, such antennas can be installed in an unsafe and aesthetically unpleasant manner with an adverse impact on the inhabitants of the Town and on surrounding properties. The intent and purpose of this article is to establish a procedure and criteria to avoid the adverse impacts of the installation of such antennas and to preserve the character, beauty, and general welfare of the Town.

34-3. Definitions:

As used in this article, the following terms shall have the meanings described thereto:

**SATELLITE ANTENNA** - Any parabolic dish or other antenna apparatus or device which is designed to receive television, radio, microwave, or other electronic signals, or combinations thereof from a transmitter or transmitter relay located in outer space.

**USABLE SATELLITE SIGNAL** - In the case of a television antenna, is a satellite signal which when viewed on a conventional television set is at least equal in picture quality to that received from a local commercial television or by way of cable television.

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**34-4. Applicability of Zoning Provisions.**

A satellite antenna shall be, in all respects, considered an accessory structure and, except as otherwise provided in this article, shall be subject to all the zoning regulations contained in this chapter.

**34-5. Building Permit Required; Placement.**

No person shall cause, suffer, or permit the erection and/or maintenance of a satellite antenna, except as set forth in this article.

- A. Any satellite antenna shall be considered a structure requiring a building permit and, as such, shall not be located forward of the rear wall of the main structure on the lot.

No satellite antenna nor any of its cables, guy wires, supports or any other above ground appurtenances shall be built, erected or maintained nearer than five (5) feet to the side or rear lines of the lot upon which it is located.

On any corner lot, no satellite antenna nor any of its above ground appurtenances shall be built, erected or maintained nearer the street line than is allowed for other structures, pursuant to Chapter 50, Zoning, of the Code of the Town of Lancaster

- B. An application for a building permit shall be made to the Building Inspector. Information containing the name of the manufacturer of the satellite antenna, its model number, its dimensional and performance specifications and the manufacturer's installation requirements shall be submitted with the Building Permit Application.

Plans and sketches shall be submitted by the owner of the premises only and shall show the location of all physical improvements on the subject premises, the proposed location of the antenna and any new fencing or landscaping to be used for screening.

The plans and sketches shall show all lot lines and structures. The applicant shall also present any documentation of the possession of any required licensing by the federal, state or local governments.

**34-6. General Requirements.**

The following requirements apply to the installation and maintenance of satellite antennas in all zoning districts:

- A. No installation shall be allowed over, under or upon land affected by a public or private easement.
- B. The diameter of such satellite antenna shall not exceed twelve (12) feet along its longest axis and the height of such antenna above natural ground level shall not exceed fifteen (15) feet at its maximum height.
- C. The color of such installation shall be in solid earth tones of beige, brown, black, grey or green and said color tones shall be maintained in such character during the existence of said satellite antenna under the permit.

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- D. To the extent consistent with its ability to receive a usable satellite signal, a satellite antenna shall be located and designed to reduce or eliminate its visibility from surrounding properties at street level and from public streets. Nothing in this article, however, shall be construed to permit a fence or other screening structure or vegetation that is otherwise prohibited by the Code of the Town of Lancaster.
- E. All installations shall be accomplished under the permit in a good, workmanlike manner and shall be so installed to give reasonable assurance of the absence of potential hazard resulting from wind, electrical or other factors giving rise to an unsatisfactory safety condition.
- F. Satellite antennas shall meet manufacturer's installation specifications and shall be of noncombustible and corrosive-resistant material and be erected in a secure, wind-resistant manner.
- G. Every satellite antenna must be adequately grounded for protection against a direct strike of lightning.
- H. No such antenna may be located on any trailer or other portable device.
- I. Lettering or symbols or other pictorial matter placed on any part of a satellite antenna or structure may consist only of the manufacturer's identification which shall be of a size not to exceed a total area of two (2) square feet.
- J. Abandonment or removal of an antenna shall require that all components, including foundation, structure, and equipment connected therewith be removed. The Town of Lancaster shall be notified within ten (10) days of abandonment and/or completion of such removal.
- K. All satellite antennas, supports, attachments, and the installation thereof, shall comply with applicable provisions of the New York State Uniform Fire Prevention and Building Construction Codes and the manufacturer's specifications.
- L. No more than one (1) satellite antenna shall be allowed per detached single family unit, duplex or triplex. Other dwellings, including condominiums, townhouses and apartment buildings containing four (4) or more attached living units, and commercial or industrial buildings shall be allowed no more than two (2) satellite antennas.
- M. No satellite antenna shall be installed above, mounted on or attached to any residence, tower or other structure.

A satellite antenna shall be installed free-standing on the ground at natural ground level and shall not be installed above, mounted on or attached to any residential unit, tower or other structure located on a residential lot located in the following zoning districts previously established by the Town of Lancaster:

- 1) Agricultural Residential District
- 2) Residential District One
- 3) Residential District Two
- 4) Multi-family District Three
- 5) Multi-family District Four
- 6) Mobile Home
- 7) Residential Commercial Office

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N. A satellite antenna may be mounted on or attached to any building located on a commercial, business and/or industrial lot located within the following zoning districts previously established by the Town of Lancaster. Provided, however, the height of the satellite antenna shall not exceed fifteen (15) feet above the highest point of the building's roof upon which the satellite antenna was mounted:

- 1) Agricultural Residential District
- 2) Neighborhood Business
- 3) General Business
- 4) Commercial & Motor Service
- 5) Shopping Center
- 6) Residential Commercial Office
- 7) Light Industrial
- 8) General Industrial
- 9) Sand, Gravel & Aggregates

34-8. Compliance.

Any satellite antenna lawfully installed and operating prior to the effective date hereof, if in compliance with existing law, but not in compliance with any provisions added by this Local Law shall, to that extent, be deemed a non-conforming use.

34-9. Inspection.

The building inspector shall inspect every satellite antenna within the Town at least every five (5) years including those in existence prior to the effective date hereof, and shall take appropriate enforcement action with regard to any such antennas found in violation of any applicable law or regulation.

34-10. Variance.

The Zoning Board of Appeals may in appropriate cases grant variances from the strict application of the provisions of this Local Law.

34-11. Severability.

If any section, clause or provision of this Local Law or the application thereof to any persons adjudged invalid, the adjudication shall not effect other sections, clauses or provisions or the application thereof which can be sustained or given effect without the invalid section, clause or provision or application, and to this end the various sections, clauses or provisions of this Local Law are declared to be severable.

34-12. When Effective.

This Local Law shall take effect immediately upon filing in the office of the Secretary of State and posting as required by Law.

August 17, 1992

32x1

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on the proposed Local Law No. 4 of the Year 1992, also known as Chapter 34, of the Code of the Town of Lancaster, entitled, "Regulation of Satellite Antennas", will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:15 o'clock P.M., Local Time, on the 8th day of September, 1992 and that Notice of the time and place of such Hearing be published on August 27, 1992, in the Lancaster Bee, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is directed to make copies of the Proposed Local Law No. 4 of the Year 1992, for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN POKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 17, 1992

32x1

**LEGAL NOTICE**  
**PUBLIC HEARING**  
**TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 17th day of August, 1992 the said Town Board will hold a Public Hearing on the 8th day of September, 1992, at 8:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the proposed enactment of Local Law No. 4 of the Year 1992, also known as Chapter 34 of the Code of the Town of Lancaster, entitled, "Regulation of Satellite Antennas", briefly described as follows:

"A Local Law to establish a procedure and criteria to avoid the adverse impacts of the installation of satellite antennas".

A complete copy of proposed Local Law No. 4 of the Year 1992, entitled "Regulation of Satellite Antennas" is available at the office of the Town Clerk for inspection by and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL  
Town Clerk

August 17, 1992

32X1



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GRECO , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GIZA , TO WIT:

WHEREAS, Thomas Johnson, the Dog Control Officer of the Town of Lancaster recommended to the Town Board the appointment of Shawn M. Marshall, 38 Brady Avenue, Lancaster, NY 14086, to the position of Assistant Dog Control Officer of the Town of Lancaster, effective August 18, 1992,

NOW, THEREFORE, BE IT

RESOLVED, that Shawn M. Marshall be and is hereby appointed to the position of Assistant Dog Control Officer for the year 1992 at a salary as set forth in the Schedule of Salaries, as adopted by the Town Board on January 1, 1992.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED	YES
COUNCILMAN KWAK	VOTED	YES
COUNCILMAN PORORSKI	VOTED	YES
COUNCILMAN VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

August 17, 1992

File: R.Appt.Shawn.Marshall

32X1

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY SUPERVISOR  
GRECO, TO WIT:

WHEREAS, the Lancaster Central School District is presently  
constructing new tennis courts on its property located at the high school, 1  
Forton Drive, Lancaster, New York, and

WHEREAS, the Town Board of the Town of Lancaster has determined it  
to be in the best interest of the Town to provide for improvements in  
recreational programs by lighting these tennis courts, and

WHEREAS, the Town Board desires to advertise for public bids  
pursuant to the requirements of Section 103 of the General Municipal Law;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Lancaster will advertise for bids for  
public bid for lighting certain tennis courts located at the Lancaster High  
School, 1 Forton Drive, Lancaster, New York, and that said bids will be  
received and opened by the Town Clerk of the Town of Lancaster, Town Hall, 21  
Central Avenue, Lancaster, New York, on Tuesday, September 1, 1992 at 10:00  
A.M., local time, in accordance with plans and specifications on file in the  
office of the Town Clerk, which Notice shall be in the form attached hereto  
and made a part hereof.

The question of the adoption of the foregoing resolution was  
duly put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN POKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 17, 1992

File: RSet.Bid.Open.Lites.Tennis.Cts.

32X1

**LEGAL NOTICE  
TOWN OF LANCASTER  
ERIE COUNTY, NEW YORK**

**TENNIS COURT LIGHTING  
CONTRACT NO. 7**

**NOTICE TO BIDDERS**

Sealed Bids for tennis court lighting at Lancaster Senior High School, 1 Fortan Drive in the Town of Lancaster, Erie County, New York, for the Town of Lancaster will be received from bidders by the Town Clerk at his office in the Town Hall, 21 Central Avenue, Lancaster, New York 14086 on or before 10:00 A.M., Local Time, on the 1 st day of September, 1992, at which time they will be publicly opened and read aloud. The Project consists of light poles, light fixtures and related work.

Contract Documents may be examined at the office of the Town Clerk of the Town of Lancaster at 21 Central Avenue, Lancaster, NY 14086 and at the offices of the ENGINEER at the address listed below between the hours of 9:00 A.M. and 4:30 P.M. from August 20, 1992 to September 1, 1992 except Saturdays, Sundays, and Holidays.

Copies may be obtained from the office of the ENGINEER upon deposit of \$100.00 for each set. The ENGINEER will mail the Contract Documents to those wishing to obtain a set upon receipt of the document fee plus a non-refundable mailing and handling charge of Twenty Dollars (\$20.00) per set. The mailing date will be considered the bidder's date of receipt. Partial sets of Contract Documents will not be available. Neither the OWNER nor the ENGINEER will be responsible for full or partial sets of Contract Documents, including any addenda, obtained from other sources. Bidders who return full sets of documents in good condition within thirty (30) days of award of the contract will receive a full refund. Non bidders will be refunded one-half of the deposit upon return of full sets of Contract Documents within thirty (30) days of award of the Contract. No refunds will be made for the return of additional sets. Checks for documents shall be made payable to the ENGINEER. The \$100.00 deposit shall be in the form of two (2) \$50.00 checks made payable to the ENGINEER. Checks for mailing fees shall be made payable to the ENGINEER.

The attention of the Bidders is called particularly to the requirements with respect to conditions of employment to be observed and minimum wage rates to be paid under the contract, and further to the Affirmative Action Requirements for Equal Employment Opportunity.

The attention of the Bidders is called to the provisions of Article 5A of the General Municipal Law which requires the Bidder to execute a certificate of non-collusion and to conform with the other provisions of Article 5A outlined in the Instructions to Bidders and Supplementary Conditions. A form for such certificate accompanies the bid form. Unless it is properly executed, the bid will not be accepted.

The successful Bidder will be required to furnish Payment and Performance Bonds each in an amount equal to 100 percent (100%) of the Contract award.

For the purpose of the deposit refund, bidders shall only be considered as those that formally submit a bid at the time and place as stated above and for the purpose of the performance of the work as set forth in these Specifications.

32x1

Bid Forms shall not be removed from the Project Manual and the entire Project Manual shall be submitted with the Bid.

Each proposal must be accompanied by the deposit of a certified check, payable to the Order of the Town of Lancaster, for a sum equal to five percentum (5%) of the total amount of the bid, or a bond with sufficient sureties in a penal sum equal to five percentum (5%) of such total bid amount, conditioned that if the proposal is accepted, the successful bidder will enter into a contract for the work, and that he will execute within fifteen (15) days from the date of award, a suitable security bond in the amount of the contract, conditional for the faithful and prompt performance and completion of the work specified in the contract.

All deposits, except that of the successful bidder, will be returned.

Upon acceptance of his bid, if the successful bidder fails to enter into a contract pursuant to the requirements of the Board, or fails to give the further security prescribed in his notice, with the time limited therein, then the check deposited as aforesaid and the moneys standing to the credit of same, shall be forfeited to the Town as liquidated damages, and the payment of the bond enforced for the benefit of the Town. The Town of Lancaster reserves the right to waive informalities in or to reject any and all bids.

As evidence of his competency to perform the work, each Bidder shall submit with his Bid a statement of his qualifications and resources. Each Bid must contain evidence of Bidder's qualification to do business in the state where the Project is located or covenant to obtain such qualification prior to award of the Contract. Low Bidders may be asked to furnish additional data to demonstrate competency.

The right to reject any or all bids, to waive any informalities in, or to make an award to other than the low bidder or to the lowest responsive and responsible bidder, to delete bid sections or items, should it be deemed to be in the best interest of the Town of Lancaster, and in accordance with law, are herewith reserved.

The Town of Lancaster is an exempt organization under the Tax Law and is exempt from payment of Sales and Compensating Use Taxes which are to be incorporated into the project and which are to be separately sold by the CONTRACTOR to the OWNER prior to incorporation into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid. Sales tax will be due on all materials purchased by CONTRACTOR which are either "consumable" or rental property used by the CONTRACTOR in connection with the construction or repair.

Award of a Contract or Contracts is subject to Town of Lancaster Financing.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF LANCASTER, N. Y.

Robert Thill, Town Clerk

Consulting Engineer:  
Donald Gallo, Consulting Engineer, P.C.  
260 Elmwood Avenue  
Buffalo, New York 14222  
(716) 883-1234

32X1

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GRECO , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
FOKORSKI , TO WIT:

WHEREAS, the Town Assessor has requested that the Town purchase certain computer equipment in order to transfer his system from the Erie County Real Property Information System to the New York State Real Property System, and

WHEREAS, the Town Board has been advised that the cost of such computer equipment is approximately \$17,500.00 to \$18,000.00, and

WHEREAS, the Town Board has determined that it would be in the best interests of the Town to purchase said equipment, and

WHEREAS, the Assessor, by letter received by the Supervisor on August 13, 1992 has assured the Town Board that there are sufficient funds in the Town Assessor's budget to purchase the computer equipment;

NOW, THEREFORE, BE IT  
RESOLVED, as follows:

1. The Town Board of the Town of Lancaster hereby authorizes the purchase of the computer equipment requested by the Town Assessor in his letter received by the Supervisor on August 13, 1992, at a cost not to exceed the sum of \$18,000.00, on file in the Town Clerk's Office and made a part hereto by reference; and

2. That the following budget transfers within the 1992 Town Assessor Budget are hereby approved:

GENERAL FUND

<u>General Ledger Accounts</u>	<u>Increase</u>	<u>Decrease</u>
A510 Estimated Revenues	\$0	\$0
A960 Budget Appropriations	\$0	\$0
<u>Subsidiary Ledger Accounts - Appropriations</u>		
A1355.210 Assessor, Furniture and Equipment	\$ 18,000	
A1355.100 Assessor, Personal Services, Wages		\$ 1,000
A1355.410 Assessor, Contractual Exp., Professional Services		17,000

25X

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The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN POKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 17, 1992

32X1

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN VAN NORTWICK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
KWAK , TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of Local Laws, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to enact Local Law No. 5 of the Year 1992, entitled "Amendment of Local Law No. 1 of the Year 1984-Fire Prevention and Building Code" and further designated as Chapter 20 of the Code of the Town of Lancaster, by the deletion of Section 20-4 in its entirety and the enactment of a new Section 20-4 in place thereof, which reads as follows:

32x1



FIRE PREVENTION AND BUILDING CODE

CHAPTER 20

AMENDMENT OF LOCAL LAW NO. 1 OF 1984  
FIRE PREVENTION AND BUILDING CODE

Proposed

LOCAL LAW NO. 5  
1992

A LOCAL LAW TO AMEND LOCAL LAW NO. 1 OF 1984, ENTITLED FIRE PREVENTION AND BUILDING CODE, BY REPEALING THE EXISTING 20-4 IN ITS ENTIRETY AND THE ENACTMENT OF A NEW 20-4 IN PLACE THEREOF.

- 20-4.1 Title
- 20-4.2 Effective Date

Be it enacted by the Town Board of the Town of Lancaster, County of Erie, State of New York, as follows:

20-4.1 Title.

This Local Law shall be known as Local Law No. 5 of the Year 1992, providing for the repeal in its entirety of existing 20-4 of Local Law No. 1 of 1984, Fire Prevention and Building Code and enactment of a new 20-4 in place thereof, which reads as follows:

20-4. Enforcement; Fire Inspectors; inspections; rules and regulations.

A. Enforcement.

The Building Inspector of the Town of Lancaster shall be charged with the duty of enforcing the code. He shall make periodic inspections for compliance with the provisions of such code with the aid of Fire Inspectors as designated herein. The Building Inspector may also designate authorized representatives to enforce provisions of the code and this local law.

B. Fire Inspectors.

The Town Board hereby establishes the position of Fire Inspector. The Town Board shall appoint one or more Fire Inspectors for such term of office as the Town Board shall determine. Each Fire Inspector shall reside within the boundaries of the Town of Lancaster.

C. Inspections.

(1) Duties of Fire Inspector:

- (a) The Fire Inspector shall be responsible for making inspections and shall aid the Building Inspector in making inspections on a periodic basis for compliance with the provisions of the code.

32X1

- (b) Reports shall be made to the Building Inspector of the Town of Lancaster on any and all inspected premises where a permit is necessary as determined by the permit section of the local law herein and the code.
- (c) Any and all violations of the code shall be reported immediately upon discovery by the Fire Inspector to the Building Inspector.
- (d) All places used for public assembly shall be inspected on an annual basis or as necessary under this local law.
- (e) The Fire Inspector shall further inspect annually, or as necessary, any activity or operation for which a permit is issued under this local law or required by the code.
- (f) The Fire Inspector shall inspect all fire damaged structures and report any suspected violations of the code to the Building Inspector.
- (g) An inspection fee of Twenty-five Dollars (\$25.) shall be paid to the Town Clerk by every applicant for a permit required by this local law or code.

(2) Entrance to property.

- (a) Inspection may be made at any reasonable time.
- (b) If entrance to make an inspection is refused or cannot be obtained, the Building Inspector may apply to any court of competent jurisdiction for a warrant to make an inspection.
- (c) In case of emergency, property may be inspected at any time without a warrant and without permission.

D. Rules and regulations.

The Building Inspector of the Town of Lancaster may adopt rules and regulations for the regulation and enforcement of the code, this local law or any other provision of law to be promulgated by the Town Board.

20-4.2 When effective.

This local law shall take effect after filing and publication as required by law.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on the proposed repeal of Chapter 20 Section 4 of Local Law No. 1 of the Year 1984, designated as Fire Prevention and Building Code of the Code of the Town of Lancaster, and the enactment in place thereof a new local law, entitled "Local Law No. 5 of the Year 1992 - Amendment of Local Law No. 1 of the Year 1984", and designated Chapter 20, Section 4, Fire Prevention and Building Code of the Code of the Town of Lancaster will be held at 8:45 o'clock P.M., Local Time, on the 8th day of September, 1992, in the Lancaster Bee, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof, and

BE IT FURTHER

RESOLVED, that the Town Clerk is directed to make copies of the Proposed Local Law No. 5 of the Year 1992 for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN POKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 17, 1992

File: Local. Law.No.5.1992.set.hrg.

32x1

LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to resolution of the Town Board of the Town Board of the Town of Lancaster adopted on the 17th day of August, 1992, the said Town Board will hold a Public Hearing on the 8th day of September, 1992, at 8:45 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the proposed Local Law No. 5 of the Year 1992, entitled "A Local Law to Amend Local Law No. 1 of the Year 1984-Fire Prevention and Building Code", further designated as Chapter 20 of the Code of the Town of Lancaster, by repealing the existing Section 20-4 in its entirety and enacting a new Section 20-4 in place thereof, which Law is briefly described as follows:

"A Local Law repealing, in its entirety, existing Section 20-4, of Chapter 20, Fire Prevention and Building Code of the Code of the Town of Lancaster, and enacting, a new Section 20-4 in place thereof.

A complete copy of the proposed Local Law No. 5 of the Year 1992, entitled "A Local Law to amend Local Law No. 1 of the Year 1984-Fire Prevention and Building Code" and designated as Chapter 20 of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE  
TOWN OF LANCASTER

By: ROBERT P. THILL  
Town Clerk

August 17, 1992

25 X 1

32 X 1

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN VAN NORTWICK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
POKORSKI , TO WIT:

RESOLVED, that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

## CODES:

- (T) = Tree Planting Fee tendered to the Town of Lancaster pursuant to the provisions of Chapter 30-26 of the Code of the Town of Lancaster.
- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster.
- (CSW) = Conditional sidewalk waiver.

NO.	CODE	NAME	ADDRESS	STRUCTURE
531		Paul Athony Design	1818 Como Park Blvd	ER. SIGN
532		Dale V. Lizauckas	141 Stony Rd	ER. POOL
533		VOID		
534		Transit/French Assoc.	4779 Transit Rd	ER. TEMP. SIGN
535		Holiday Builders	679 Schwartz Rd	ER. GARAGE
536		Pat Stonitsh	41 Fox Hunt Rd	ER. ADD'L FENCE
537 (T)		Fischione Const.	54 Tomahawk Tr	ER. SIN. DWLG
538		M/M Louis Pingtella	13 Bridlepath La	ER. SHED
539 (T)(SW)		John Marrano Bldrs.	747 Schwartz Rd.	ER. SIN. DWLG
540		Ron Climenhaga	119 William-Kidder Rd	ER. POLE BARN
541		Lyon Const. Inc.	18 Pheasant Run La	EXT. SIN. DWLG
542		Ms Diane Augustine	65 Nichter Rd	ER. DECK
543 (T)		Meplegrove Homes In.	63 Southpoint Dr	ER. SIN. DWLG
544 (T)(CSW)		Gerald Durak	304 Pleasant View	ER. SIN. DWLG
545 (T)(SW)		WFB Enterprises Inc.	847 Ransom Rd	ER. SIN. DWLG
546		Norman Bauman	51 Lake Forest Pkwy	ER. SHED
547		Jeffrey Heverley	2 Jenny Ln	ER. SHED
548		Peter Pecoraro	471 Pleasant View	ER. GARAGE
549 (T)		Stratford Homes, Inc.	57 Williamsburg Ln	ER. SIN. DWLG
550 (T)		Stratford Homes, Inc.	74 Williamsburg Ln	ER. SIN. DWLG
551 (T)(SW)		Stratford Homes Inc.	291 Ransom Rd	ER. SIN. DWLG
552 (T)		Marrano/Marc Equity	9 Stony Brook Dr	ER. SIN. DWLG
553 (T)		Marrano/Marc Equity	29 Stony Brook Dr	ER. SIN. DWLG
554 (T)		Karen M. Kaczor	235 Enchanted Forest N	ER. SIN. DWLG
555 (T)		A.C. Housis	51 Hillside Pkwy	ER. SIN. DWLG
556 (T)		Marrano/Marc Equity	4 Willow Ridge Court	ER. SIN. DWLG

32X1

557 (T) Forbes Homes <sup>60 Ppt</sup> 85 Southpoint Dr ER. SIN. DWLG  
 558 (T) Marrano/Marc Equity 20 Stony Brook Dr ER. SIN. DWLG

and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded the Ordinance required for sidewalks, however, the waiver is granted upon the condition that the Town of Lancaster, at any future date, has the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN POKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 17, 1992

File: R.BLDG (P1-2)

32X1

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GRECO, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
VAN NORTWICK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby  
ordered paid from their respective accounts:

Claim No. 3131 to Claim No. 3366 Inclusive.

Total Amount hereby authorized to be paid:

\$ 540,549.70

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED
COUNCILMAN KWAK	VOTED
COUNCILMAN POKORSKI	VOTED
COUNCILMAN VAN NORTWICK	VOTED
SUPERVISOR GRECO	VOTED

August 17, 1992

File: R.CLAIMS

32x1



Councilman VanNortwick requested a suspension of the necessary rule for immediate consideration of the following resolution:

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN VAN NORTWICK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GIZA, TO WIT:

A Resolution Making Certain Determinations in Relation to  
the Petition of the Millgrove Volunteer Fire Department Inc.  
for Consent of the Town Board of the Town of Lancaster  
of the Proposed Issuance by the Millgrove Volunteer Fire  
Department Inc. of an Obligation to the Alden State Bank  
for the Purchase of 1 Grumman Class A 1500 GPM Pumper

WHEREAS, the Millgrove Volunteer Fire Department Inc. has contracted for the purchase of a Grumman Class A 1500 GPM pumper to be garaged at 11621 Genesee Street, Alden, New York and to be utilized for firefighting or emergency services for persons within the jurisdiction of the town of Lancaster; and

WHEREAS, the proposed method of financing the cost of said acquisition consists of the issuance of bonds of said Millgrove Volunteer Fire Department Inc., in the maximum amount of \$140,000, maturing in annual installments over a period not exceeding twenty years, to be paid from receipts of the department sufficient to pay the principal of and interest on said bonds as the same become due and payable, in the manner provided by law; and

WHEREAS, the Alden State Bank has agreed to purchase the obligation intending to be issued by the Millgrove Volunteer Fire Department Inc. with respect to said acquisition; and

WHEREAS, the Millgrove Volunteer Fire Department Inc. has petitioned to town board for approval to have such obligation treated as a bond of a political subdivision of a state pursuant to the provisions of 26 USCS §150(e); and

WHEREAS, an order was duly adopted by said town board on August 3, 1992, reciting a description of the firefighting equipment proposed to be purchased by the Millgrove Volunteer Fire Department Inc., the maximum amount proposed to be expended for such acquisition, and specifying the 17th day of August, 1992 at 7 o'clock p.m., prevailing time, at the board room of the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, in said town, as the time when and the place where said town board would meet for the purpose of holding a public hearing to consider the petition of the Millgrove Volunteer Fire Department Inc. for consent of the town board of the town of Lancaster of the proposed issuance by the Millgrove Volunteer Fire Department Inc. of an obligation to the Alden State Bank for the purchase of said Grumman Class A 1500 GPM pumper, and to hear all persons interested in the subject matter thereof concerning the same, and

WHEREAS, notice of the aforesaid public hearing was duly published and posted in the manner and within the time prescribed by 26 USCS §147(f), and proof of said publication and posting has been duly presented to said town board; and

WHEREAS, said public hearing was duly held at the time and place in said order, as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, said town board has duly considered said petition of the Millgrove Volunteer Fire Department Inc. and the evidence given at said public hearing

NOW, THEREFORE, BE IT RESOLVED, by the town board of the town of Lancaster, Erie County, New York, as follows:

Section 1.  
determined as follows:

Upon the evidence given at the aforesaid public hearing, it is hereby found and

- (a) The notice of hearing was published and posted as required by law, and is otherwise sufficient;

32X1

- (b) The Millgrove Volunteer Fire Department Inc. is a qualified fire department with respect to an area within the jurisdiction of the town of Lancaster as such term is defined by 26 USCS §150(e)(2), the same being organized and operated to provide firefighting or emergency medical services for persons within the town of Lancaster which is not provided by any other firefighting services and which is required by written agreement with the town of Lancaster to furnish firefighting services in said area;
- (c) The Millgrove Volunteer Fire Department Inc. has contracted for the purchase of a Grumman Class A 1500 GPM pumper to be garaged at 11621 Genesee Street, Alden, New York and to be utilized for firefighting or emergency services for persons within the jurisdiction of the town of Lancaster;
- (d) The proposed method of financing the cost of said acquisition consists of the issuance of bonds of said Millgrove Volunteer Fire Department Inc., in the maximum amount of \$140,000, maturing in annual installments over a period not exceeding twenty years, to be paid from receipts of the department sufficient to pay the principal of and interest on said bonds as the same become due and payable, in the manner provided by law;
- (e) Said obligation is intended to be issued as part of an issue 95 percent or more of the net proceeds of which are to be used for the acquisition of said fire truck;
- (f) Treatment of said obligation as a bond of a political subdivision of the state pursuant to the provisions of 26 USCS §150(e) is in the public interest and serves a public purpose.

Section 2.

This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN GIZA	VOTED	YES
COUNCILMAN KWAK	VOTED	YES
COUNCILMAN POKORSKI	VOTED	YES
COUNCILMAN VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

August 17, 1992

2x1

Councilman VanNortwick requested a suspension of the necessary rule for immediate consideration of the following resolution:

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN VAN NORTWICK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GIZA, TO WIT:

A Resolution Approving the Obligation of the Millgrove Volunteer Fire Department Inc. for Treatment as a Bond of a Political Subdivision of the State Pursuant to the Provisions of 26 USCS §150(e)

WHEREAS, heretofore at this meeting a resolution was duly adopted by this town board, making certain determinations with respect to the issuance by the Millgrove Volunteer Fire Department Inc. of an obligation to the Alden State Bank for the purchase of 1 Grumman Class A 1500 GPM Pumper,

NOW, THEREFORE, BE IT RESOLVED, by the town board of the town of Lancaster, Erie County, New York, as follows:

Section 1. The issuance by the Millgrove Volunteer Fire Department Inc. of an obligation to the Alden State Bank for the purchase of 1 Grumman Class A 1500 GPM Pumper, in the maximum amount of \$140,000, and maturing in annual installments over a period not exceeding twenty years, to be paid from receipts of the department sufficient to pay the principal of and interest on said bonds as the same become due and payable, in the manner provided by law, be and is hereby approved for treatment as a bond of a political subdivision of the state pursuant to the provisions of 26 USCS §147(f) and 26 USCS §150(e).

Section 2. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN POKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 17, 1992

32x1

Councilman Pokorski requested a suspension of the necessary rule for immediate consideration of the following resolution.

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN POKORSKI, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GIZA, TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster, by letter dated August 7, 1992, has requested authorization to purchase one (1) 1992 Crown Victoria under New York State Office of General Services from DeLacy Ford Inc., 5229 Broadway, Lancaster, New York 14086, at a total cost of \$12,600.00,

NOW, THEREFORE, BE IT

RESOLVED, that the Highway Superintendent of the Town of Lancaster, be and is hereby authorized to purchase one (1) 1992 Crown Victoria under New York State Office of General Services from DeLacy Ford Inc., 5229 Broadway, Lancaster, New York 14086, at a total cost of \$12,600.00,

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN GIZA	VOTED YES
COUNCILMAN KWAK	VOTED YES
COUNCILMAN POKORSKI	VOTED YES
COUNCILMAN VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 17, 1992

File: R.PURCHASING.STATE (P1)

32x1

**STATUS REPORT ON UNFINISHED BUSINESS:**

1. Detention Basin - Milton Drive  
On September 3, 1991, the Town Board authorized the Supervisor to enter into an agreement with the Village of Lancaster for this remedial work. On October 7, 1991, the Town Board adopted a \$300,000.00 bond resolution to fund this project.
2. Dumping Permit - Anthony/Carol Batog  
On July 20, 1992, this matter was referred to the Town Engineer and Building Inspector for review and recommendation.
3. Dumping Permit - Bella Vista Corp.  
On July 22, 1992, this matter was referred to the Town Engineer and Building Inspector for review and recommendation.
4. Dumping Permit - Diamond "D" Construction, Corp.  
On May 2, 1991, this matter was referred to the Town Engineer and Building Inspector for review and recommendation.
5. Dumping Permit - L.P.R.C. Unlimited, Inc. - 455 Harris Hill Rd. - (3.64 Acres).  
On April 6, 1991, the matter was referred to the Town Engineer and Building Inspector for review and recommendation.

6. Public Improvement Permit Authorization - The Crossings Subdivision, (Giallanza)

TYPE	ISSUED	ACCEPTED	BONDED	DEEDS	BILLS OF SALE
Water Line	Yes	No	No	n/a	No
Pavement and Curbs	Yes	No	No	No	No
Storm Sewers	Yes	No	No	n/a	No
Detention Basin	Yes	No	No	No	n/a
Street Lights	No	No	No	n/a	No
Sidewalks	No	n/a	n/a	n/a	n/a

7. Public Improvement Permit Authorization - Deer Cross Subdivision, Phase I (Donato) Outstanding Items Only.

TYPE	ISSUED	ACCEPTED	BONDED	DEEDS	BILLS OF SALE
Detention Basin	Yes	No	No	No	n/a
Street Lights	No	No	No	n/a	No
Sidewalks	No	n/a	n/a	n/a	n/a

8. Public Improvement Permit Authorization - Deer Cross Subdivision, Phase II (Donato)

TYPE	ISSUED	ACCEPTED	BONDED	DEEDS	BILLS OF SALE
Water Line	Yes	No	No	n/a	Yes
Pavement and Curbs	Yes	No	No	Yes	Yes
Storm Sewers	Yes	No	No	n/a	Yes
Detention Basin	Yes	No	No	No	n/a
Street Lights	No	No	No	n/a	No
Sidewalks	No	n/a	n/a	n/a	n/a

9. Public Improvement Permit Authorization - Foreststream Village Subdivision, Phase I (DiLapo) Outstanding Items Only:

TYPE	ISSUED	ACCEPTED	BONDED	DEEDS	BILLS OF SALE
Floodway Grading	Yes	No	No	No	n/a
Street Lights	Yes	No	No	n/a	No

32X1

STATUS REPORT ON UNFINISHED BUSINESS (CONT'D)10. Public Improvement Permit Authorization - Forestview Village Subdivision, Phase II (Dilap) Outstanding Items Only:

<u>TYPE</u>	<u>ISSUED</u>	<u>ACCEPTED</u>	<u>BONDED</u>	<u>DEEDS</u>	<u>BILLS OF SALE</u>
Floodway (S. Br.)	Yes	No	No	No	n/a
Street Lights	Yes	No	No	n/a	No

11. Public Improvement Permit Authorization - Forestview Village Subdivision, Phase III (Dilap) Outstanding Items Only:

<u>TYPE</u>	<u>ISSUED</u>	<u>ACCEPTED</u>	<u>BONDED</u>	<u>DEEDS</u>	<u>BILLS OF SALE</u>
Street Lights	Yes	No	No	n/a	Yes
Sidewalks	No	n/a	n/a	n/a	n/a

12. Public Improvement Permit Authorization - Grafton Park Subdivision (Donato Developers)

<u>TYPE</u>	<u>ISSUED</u>	<u>ACCEPTED</u>	<u>BONDED</u>	<u>DEEDS</u>	<u>BILLS OF SALE</u>
Water Line	Yes	No	No	n/a	No
Pavement and Curbs	Yes	No	No	No	No
Storm Sewers	Yes	No	No	n/a	No
Detention Basin	Yes	No	No	No	n/a
Street Lights	No	No	No	n/a	No
Sidewalks	No	n/a	n/a	n/a	n/a

13. Public Improvement Permit Authorization - Hidden Hollow Subdivision, (Paul M. Dombrowski)

<u>TYPE</u>	<u>ISSUED</u>	<u>ACCEPTED</u>	<u>BONDED</u>	<u>DEEDS</u>	<u>BILLS OF SALE</u>
Pavement and Curbs	Yes	Yes	Yes	No	Yes
Sidewalks	No	n/a	n/a	n/a	n/a

14. Public Improvement Permit Authorization - Hillview Estates Subdivision Phase I (Hillview Development)

<u>TYPE</u>	<u>ISSUED</u>	<u>ACCEPTED</u>	<u>BONDED</u>	<u>DEEDS</u>	<u>BILLS OF SALE</u>
Water Line	Yes	Yes	Yes	n/a	NB-2-
Pavement and Curbs	Yes	Yes	Yes	NB-1-	NB-2-
Storm Sewers	Yes	Yes	Yes	n/a	NB-2-
Detention Basin	Yes	No	No	No	NB-2-
Street Lights	Yes	No	No	n/a	No
Sidewalks	No	n/a	n/a	n/a	n/a

NB-1- Filed but not yet returned.

NB-2- Town Attorney has Bill of Sale.

15. Public Improvement Permit Authorization - Hillview Estates Subdivision Phase II (Hillview Development)

<u>TYPE</u>	<u>ISSUED</u>	<u>ACCEPTED</u>	<u>BONDED</u>	<u>DEEDS</u>	<u>BILLS OF SALE</u>
Water Line	Yes	No	No	n/a	No
Pavement and Curbs	Yes	No	No	No	No
Storm Sewers	Yes	No	No	n/a	No
Detention Basin	No	No	No	No	n/a
Street Lights	No	No	No	n/a	No
Sidewalks	No	n/a	n/a	n/a	n/a

32x1

STATUS REPORT ON UNFINISHED BUSINESS (CONT'D)16. Public Improvement Permit Authorization - Indian Pine Village Subdivision Phase I (Fischione Const., Inc.) Outstanding Items Only:

<u>TYPE</u>	<u>ISSUED</u>	<u>ACCEPTED</u>	<u>BONDED</u>	<u>DEEDS</u>	<u>BILLS OF SALE</u>
Detention Basin	Yes	No	No	No	n/a
Street Lights	Yes	No	No	n/a	No

17. Public Improvement Permit Authorization - Indian Pine Village Subdivision Phase II (Fischione Construction)

<u>TYPE</u>	<u>ISSUED</u>	<u>ACCEPTED</u>	<u>BONDED</u>	<u>DEEDS</u>	<u>BILLS OF SALE</u>
Water Line	Yes	Yes	No	n/a	No
Pavement and Curbs	Yes	Yes	No	No	No
Storm Sewers	Yes	Yes	No	n/a	No
Detention Basin	Yes	No	No	No	n/a
Street Lights	No	No	No	n/a	No
Sidewalks	No	n/a	n/a	n/a	n/a

18. Public Improvement Permit Authorization - Lake Forest Subdivision, Phase I (Dana Warman) Outstanding Items Only:

<u>TYPE</u>	<u>ISSUED</u>	<u>ACCEPTED</u>	<u>BONDED</u>	<u>DEEDS</u>	<u>BILLS OF SALE</u>
Detention Basin	Yes	No	No	No	n/a

19. Public Improvement Permit Authorization - Larkspur Acres Subdivision, (Andrusz & Schmid Dev.) Outstanding Items Only:

<u>TYPE</u>	<u>ISSUED</u>	<u>ACCEPTED</u>	<u>BONDED</u>	<u>DEEDS</u>	<u>BILLS OF SALE</u>
Pavement and Curbs	Yes	Yes	Yes	***	Yes
Detention Basin	Yes	No	No	No	n/a

\*\*\* Deed received but not yet filed.

20. Public Improvement Permit Authorization - Liberty Square Subdivision (Dana Warman) Outstanding Items Only:

<u>TYPE</u>	<u>ISSUED</u>	<u>ACCEPTED</u>	<u>BONDED</u>	<u>DEEDS</u>	<u>BILLS OF SALE</u>
Detention Basin	Yes	No	No	No	n/a

21. Public Improvement Permit Authorization - Meadowlands Subdivision (Bosse) Outstanding Items Only:

<u>TYPE</u>	<u>ISSUED</u>	<u>ACCEPTED</u>	<u>BONDED</u>	<u>DEEDS</u>	<u>BILLS OF SALE</u>
Detention Basin	Yes	No	No	No	n/a
Street Lights	Yes	Yes	Yes	n/a	No
Sidewalks	No	n/a	n/a	n/a	n/a

22. Public Improvement Permit Authorization - Pine Tree Farm, Phase I (Josela - East off Aurora Street) Outstanding Items Only:

<u>TYPE</u>	<u>ISSUED</u>	<u>ACCEPTED</u>	<u>BONDED</u>	<u>DEEDS</u>	<u>BILLS OF SALE</u>
Pavement and Curbs	Yes	Yes	Yes	***	Yes
Detention Basin	Yes	No	No	No	n/a

\*\*\* Deed received but not yet recorded.

32X1



STATUS REPORT ON UNFINISHED BUSINESS (CONT'D)23. Public Improvement Permit Authorization - Pine Tree Farm, Phase II  
(Josela - East off Aurora Street) Outstanding Items Only:

TYPE	ISSUED	ACCEPTED	BONDED	DEEDS	BILLS OF SALE
Pavement and Curbs	Yes	Yes	Yes	No	Yes

24. Public Improvement Permit Authorization - Southpoint Subdivision, Phase I  
(Josela) Outstanding Items Only:

TYPE	ISSUED	ACCEPTED	BONDED	DEEDS	BILLS OF SALE
E. Detention Pond	Yes	No	No	No	n/a
W. Detention Pond	Yes	No	No	No	n/a

25. Public Improvement Permit Authorization - Stony Brook, Phase I  
(Marrano) Outstanding Items Only:

TYPE	ISSUED	ACCEPTED	BONDED	DEEDS	BILLS OF SALE
Pavement & Curbs	Yes	Yes	Yes	***	Yes
Detention Area 1	Yes	No	No	No	n/a
Detention Area 2	Yes	No	No	No	n/a

\*\*\* Deed received but not yet filed.

26. Public Improvement Permit Authorization - Stony Brook, Phase II  
(Marrano) Outstanding Items Only:

TYPE	ISSUED	ACCEPTED	BONDED	DEEDS	BILLS OF SALE
Detention Area	Yes	No	No	No	n/a
Street Lights	Yes	Yes	Yes	n/a	Yes

27. Public Improvement Permit Authorization - Stony Brook, Phase III (A)  
(Marrano)

TYPE	ISSUED	ACCEPTED	BONDED	DEEDS	BILLS OF SALE
Detention Pond	Yes	No	No	No	n/a
Water Line	Yes	Yes	Yes	n/a	No
Pavement and Curbs	Yes	Yes	Yes	No	No
Storm Sewers	Yes	Yes	Yes	n/a	No
Street Lights	Yes	No	No	n/a	No
Sidewalks	Yes	n/a	n/a	n/a	n/a

28. Public Improvement Permit Authorization - Warnerview Estates, Phase I  
(Donato) Outstanding Items Only:

TYPE	ISSUED	ACCEPTED	BONDED	DEEDS	BILLS OF SALE
Detention Basin	Yes	No	No	No	n/a

29. Public Improvement Permit Authorization - Warnerview Estates, Phase II  
(Donato)

TYPE	ISSUED	ACCEPTED	BONDED	DEEDS	BILLS OF SALE
Water Line	Yes	Yes	Yes	n/a	No
Pavement and Curbs	Yes	Yes	Yes	Yes	No
Storm Sewers	Yes	Yes	Yes	n/a	No
Detention Basin	n/a	n/a	n/a	n/a	n/a
Street Lights	Yes	No	No	n/a	No
Sidewalks	Yes	n/a	n/a	n/a	n/a

25X1

32X1

STATUS REPORT ON UNFINISHED BUSINESS (CONT'D)30. Public Improvement Permit Authorization - Willow Ridge Subdivision  
(Cimato Bros.) Outstanding Items Only:

TYPE	ISSUED	ACCEPTED	BONDED	DEEDS	BILLS OF SALE
Detention Basin	Yes	No	No	No	n/a

31. Public Improvement Permit Authorization - Windsor Ridge Subdivision,  
Phase I (M. J. Peterson)

TYPE	ISSUED	ACCEPTED	BONDED	DEEDS	BILLS OF SALE
Water Line	Yes	No	No	n/a	No
Pavement and Curbs	Yes	No	No	No	No
Storm Sewers	Yes	No	No	n/a	No
Detention Basin	Yes	No	No	No	n/a
Street Lights	No	No	No	n/a	No
Sidewalks	No	n/a	n/a	n/a	n/a

32. Public Improvement Permit Authorization - Woodgate Subdivision,  
Phase I (Josela Enterprises)

TYPE	ISSUED	ACCEPTED	BONDED	DEEDS	BILLS OF SALE
Water Line	Yes	No	No	n/a	No
Pavement and Curbs	Yes	No	No	No	No
Storm Sewers	Yes	No	No	n/a	No
Detention Basin	Yes	No	No	No	n/a
Street Lights	No	No	No	n/a	No
Sidewalks	Yes	n/a	n/a	n/a	n/a

33. Rezone Petition - Donato Developers/Josela Enterprises

On June 10, 1992, this matter was referred to the Planning Board for review and recommendation. On July 20, 1992, the Town Board held a Public Hearing on this matter for August 3, 1992. On August 3, 1992, the Town Board held a Public Hearing on this matter and reserved decision. On August 17, 1992, the Town Board approved this rezone. This item will be removed from future Town Board agendas.

34. Rezone Petition - Fox Valley Estates

On November 19, 1991, this matter was referred to the Planning Board for review and recommendation. On December 4, 1991 the Planning Board recommended approval of this proposed rezone. On February 24, 1992, the Municipal Review Committee adopted a Positive SEQR Declaration on this matter.

35. Rezone Petition - George Stephen

On August 6, 1992, this matter was referred to the Planning Board for review and recommendation.

36. State Contract Grant - 40 Clark Street Museum.

Application for grant has been filed.

37. Subdivision Approval - Bowen Road Square (Off Bowen Road)

On August 30, 1990, the developer tendered to the Town Clerk a subdivision filing fee of \$1,135.00. On August 1, 1990, the Planning Board approved the preliminary plat for this development subject to three conditions. On January 22, 1991, the Municipal Review Committee tabled their SEQR Review decision pending receipt of additional data from the petitioner.

32X1

STATUS REPORT ON UNFINISHED BUSINESS (CONT'D)

38. Subdivision Approval - East Brook Estates (Off Bowen Road)  
This matter awaits formal filing with the Town Clerk. No engineering review fee has been received.
39. Subdivision Approval - Easy Acres (Off Seibert Road)  
On June 22, 1992, an application for subdivision sketch plan approval was filed with the Building Inspector and distributed to various reviewers. On July 21, 1992 the Planning Board approved a Sketch Plan for this subdivision.
40. Subdivision Approval - Fox Valley Estates (Off Peppersaint Road)  
On November 22, 1991, an application for subdivision sketch plan approval was filed with the Building Inspector and distributed to various reviewers.
41. Subdivision Approval - Glen Hollow (off William St.)  
On January 22, 1992, an application for subdivision sketch plan approval was filed with the Building Inspector and distributed to various reviewers. On February 5, 1992, the Planning Board approved a sketch plan for this subdivision. On March 16, 1992, the Municipal Review Committee adopted a Negative SEQR Declaration. On April 28, 1992, the Building Inspector distributed a revised sketch plan of this subdivision to various reviewers.
42. Subdivision Approval - Golfe Creek Town Homes (formerly Country Club Commons) (Townhouses - Off Broadway West of the Lancaster Country Club)  
On July 9, 1990, the Municipal Review Committee adopted a Negative SEQR Declaration on this matter. On October 24, 1990, the Building Inspector transmitted an Application for Sketch Plan Approval to the Planning Board for review. On November 7, 1990, the Planning Board approved the sketch plan for this development. On November 21, 1990, the developer tendered to the Town Clerk an Application for Approval of Subdivision Preliminary Plat Plan along with a filing fee of \$1090.00. On November 28, 1990, the Planning Board approved the Preliminary Plat Plan. On February 1, 1991, the developer filed a final plat with the Building Inspector for review and distribution to the Town Board. On February 11, 1991, the Town Attorney notified the developer that the final plat was not sufficient. On June 17, 1991, the Town Board approved the final plat for this development and authorized the filing of a map cover in the Erie County Clerk's Office. On August 19, 1991, the Town Board approved a name change for this project to Golfe Creek Town Homes and authorized the filing of a map cover in the Erie County Clerk's office under that name. This item remains on the agenda until the map cover is filed.
43. Subdivision Approval - Lake Forest South (Off Lake Avenue)  
On March 19, 1991, the Town Board approved the final plat for this subdivision and authorized the filing of a map cover in the Erie County Clerk's Office. This item remains on agenda until map cover is filed.
44. Subdivision Approval - Parkedge (Off William Street)  
On October 18, 1989, the Planning Board approved the sketch plan for this project. On March 6, 1991, an application for preliminary plat approval was filed with the Town Clerk and referred to the Building Inspector for distribution to various reviewers. On March 6, 1991, a \$1285.00 subdivision filing fee was received by the Town Clerk. On May 6, 1991, the SEQR Municipal Review Committee adopted a negative declaration.

32X1

STATUS REPORT ON UNFINISHED BUSINESS (CONT'D)**45. Subdivision Approval - Stony Brook, Phase IV (South Side of Pleasant View Drive)**

On March 16, 1992, an application for subdivision sketch plan approval was filed with the Building Inspector and distributed to various reviewers. On April 1, 1992, the Planning Board approved the sketch plan.

**46. Subdivision Approval - Towne Square Townhouses (Broadway east of Brown)**

This project was in the process of approval prior to adoption of the current zoning ordinance and is therefore a grandfathered project. On July 9, 1990, the Municipal Review Committee adopted a SEQR Negative Declaration on this project. On January 16, 1991, the Planning Board recommended approval of the project subject to the Town Board's resolution of three Planning Board concerns. On June 17, 1991, the Town Board approved the final plat for this development and authorized the filing of a map cover in the Erie County Clerk's office. On February 24, 1992 the Town Board re-approved the filing of a map cover. This item remains on the agenda until map cover is filed.

**47. Subdivision Approval - Thruway Industrial Park (Off Gunville Rd.)**

On October 4, 1989, the Planning Board approved the site plan for this subdivision. On October 13, 1989, the developer tendered to the Town Clerk a subdivision filing fee of \$415.00. On August 6, 1990, the Town Board adopted a SEQR negative declaration on this matter.

**48. Subdivision Approval - Walnut Creek (Off Aurora Street)**

On April 28, 1992, an application for subdivision sketch plan approval was filed with the Building Inspector and distributed to various reviewers.

PERSONS ADDRESSING THE TOWN BOARD:

Carol Faulhaber, 25 Brunck Road asked the Town Board to support the Town Youth Bureau and their programs. She complimented the Youth Bureau on their current production of "Bye Bye Birdie".

The following persons spoke to the Town Board relative to the regular general maintenance of and immediate removal of "cat Tails" from a town owned floodway within Plumb Bottom Creek behind homes on Plumb Creek Trail and Gale Drive:

Gregory Stevens  
19 Plumb Creek Trail

Jackie Manuel  
29 Plumb Creek Trail

Jerome Ellis  
47 Gale Drive

Rebecca Anderson  
493 Lake Avenue

Michael Hascup  
20 Plumb Creek Trail

Pamela Maneth  
49 Gale Drive

Debra Ellis  
47 Gale Drive

The following persons spoke to the Town Board about restricting hunting within the Town of Lancaster:

Jackie Manuel  
29 Plumb Creek Trail

James Guenther  
562 Pavement Road

Gloria Kubicki, 15 Maple Drive, spoke to the Town Board about excessive variances being granted by the Zoning Board of Appeals and possible refunds accruing to the Town of Lancaster due to recycling programs.

32X1

COMMUNICATIONSDISTRIBUTION

528. NYS Employees' Retirement System to Supervisor - Comments re: Retirement Incentive Program	<u>FINANCE &amp; MANAGEMENT COMMITTEE</u>
529. Judith Flury to Town Board - Comments re: current hunting laws within Town limits.	<u>TOWN ATTORNEY</u>
530. William Kornacki to Town Board - Response to Police Chief's comments.	<u>R &amp; F</u>
531. NYSDEC to Town Board - Comments re: illegal filling in flood hazard area of Ellicott Creek.	<u>TOWN ATTORNEY BUILDING INSPECTOR</u>
532. Youth Bureau Ex. Dir. to Town Board - Request appointment of two members to Youth Board.	<u>R &amp; F</u>
533. County Dept. of Health to Town Board - Transmittal of Approval of Completed Works re: water supply improvement within Stonybrook Subdivision, Phase III.	<u>R &amp; F</u>
534. Assessor to Town Board - Comments re: escrow account payments.	<u>R &amp; F</u>
535. Building Inspector to Town Board - Transmittal of Environmental and Impact Statement for Fox Valley Estates.	<u>TOWN ATTORNEY TOWN ENGINEER</u>
536. Krehbiel Engineers to Town Engineer - Recommendation to accept P.I.P. Nos. 271-273 in Indian Pine Subdivision, Phase II.	<u>R &amp; F</u>
537. Town Clerk to Supervisor - Monthly report for July 1992.	<u>R &amp; F</u>
538. Town Clerk to Town Board - Notice of contract expiring 10/31/92.	<u>TOWN ATTORNEY</u>
539. Krehbiel Associates to Fischione Const. Co. - Comments re: Town's policy relating to acceptance of retention/detention ponds.	<u>TOWN ENGINEER</u>
540. Town Clerk to Planning Board Chair. - Transmittal of George Stephen rezoning petition.	<u>TOWN ATTORNEY</u>
541. Police Chief to Town Councilman - Recommendation for no stop signs on Warner Rd.	<u>PUBLIC SAFETY COMMITTEE</u>
542. Police Chief to County Dept. of Public Works - Marking Bowen and Cemetery Roads.	<u>PUBLIC SAFETY COMMITTEE</u>
543. Highway Superintendent to Town Board - Requests approval to purchase new vehicle.	<u>R &amp; F</u>
544. NYS Association of Towns to Town Clerks - 1992-93 Directory of Town Officials and Americans with Disabilities Act - Regional Workshop Programs and Registration information.	<u>R &amp; F</u>
545. NYSDEC to Town Clerk - Offer opportunity to meet to discuss hazardous waste sites in town.	<u>TOWN ENGINEER</u>
546. Colecraft President to Planning Board Chairman - Objects to rezoning of George Stephen's Walden Avenue property.	<u>PLANNING &amp; ZONING COMMITTEE</u>
547. Mark Blazejewski to Town Board - Letter requesting consideration of enforcement provisions be included in recycling legislation	<u>SUPERVISOR TOWN ATTORNEY</u>

32X1

COMMUNICATIONSDISPOSITION

548. Deputy Town Attorney to Town Board - Letter of resignation eff. 8/21/92.	<u>R &amp; F</u>
549. Depew/Cheektowaga Taxpayers Assoc. to Town Board - Urges denial of Tops application for tax reduction.	<u>ASSESSOR</u>
550. NYSDEC to Supervisor - SEQR Lead Agency Designation, Proposed Easy Acres Subdivision, Town of Lancaster.	<u>TOWN ATTORNEY</u> <u>TOWN ENGINEER</u>
551. Town Assessor to Town Board - Critique for 1992 Assessment Roll.	<u>R &amp; F</u>
552. Highway Superintendent to Town Board - Requests invitation of bids for road vacuum sweeper.	<u>R &amp; F</u>
553. LVAC to Town Clerk - Removal of inactive members.	<u>R &amp; F</u>
554. Donald Gallo to Councilman Kwak - Proposal for Town of Lancaster, Tennis Court, Lighting Project, Lancaster H.S.	<u>R &amp; F</u>
555. Building Inspector to Town Board - Requests temporary part time Zoning Inspector.	<u>R &amp; F</u>
556. Planning Board Chairman to Town Board - Minutes for meeting 8/5/92.	<u>R &amp; F</u>
557. Planning Board Chairman to Town Board - Approval of revised sketch plan for Easy Acres Subdivision.	<u>TOWN ENGINEER</u> <u>BUILDING INSPECTOR</u>
558. Burke Brothers Const. Inc. to Planning Board Chairman - Re. Mobile Pipeline and easement for Easy Acres Subdivision.	<u>TOWN ENGINEER</u> <u>BUILDING INSPECTOR</u>
559. Planning Board Chairman to Town Board - Special Use Permit - JoAnn Z. Ward, 52 Williamsburg Lane - Beauty Salon.	<u>TOWN ATTORNEY</u> <u>TOWN CLERK</u>
560. Municipal Insurance Consultants to Town Board - Review of highlights from meeting 7/27/92.	<u>R &amp; F</u>
561. Dog Control Officer to Town Board - Letter of resignation effective 8/17/92.	<u>R &amp; F</u>
562. Town Assessor to Town Board - Purchase of computer equipment.	<u>R &amp; F</u>

ADJOURNMENT:

ON MOTION OF COUNCILMAN KWAK, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:35 P.M.

Signed Robert P. Thill  
Robert P. Thill, Town Clerk

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